APPENDIX A

SECTION 1341. FRAUDS AND SWINDLES

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered

by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

APPENDIX B

SECTION 1920. TAXATION OF COSTS

A judge or clerk of any court of the United States may tax as costs the following:

(1) Fees of the clerk and marshal;

(2) Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;

(3) Fees and disbursements for printing and witnesses;

(4) Fees for exemplification and copies of papers necessarily obtained for use in the case;

(5) Docket fees under section 1923 of this title.

A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.

APPENDIX C

SUPREME COURT OF THE UNITED STATES

No. A-179

JOHN ALBERT AND
JERSEY SANITATION CO., INC.,
Petitioners,

V.

UNITED STATES

ORDER EXTENDING TIME TO FILE PETITION FOR WRIT OF CERTIORARI

UPON CONSIDERATION of the application of counsel for petitioner(s),

IT IS ORDERED that the time for filing a petition for writ of certiorari in the above-entitled cause be, and the same is hereby, extended to and including September 27, 1982

/s/ Wm. J. Brennan, Jr.
Associate Justice of the Supreme Court of the United States

Dated this 19th
day of August, 1982

APPENDIX D

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 81-2398

United States of America,
Appellee

v.

Albert, John,
Appellant

No. 81-2399

United States of America
Appellee

v.

Conlon, Eugene, Sr.,
Appellant

No. 81-2400

United States of America,
Appellee

v.

Jersey Sanitation Company, Inc.,
Appellant

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(D.C. Crim. No. 80-00380-01, 80-00380-02,
80-00380-03)

---

*Honorable John P. Fullam, United States District Judge for the Eastern District of Pennsylvania, sitting by designation.

APPENDIX D

Submitted Under Third Circuit Rule
on June 24, 1982

Before: GARTH, BECKER, Circuit Judges,
and FULLAM, District Judge*

JUDGMENT ORDER

After considering the contentions raised by appellants, to-wit that (1) there was insufficient evidence to support the convictions for mail fraud and conspiracy in violation of 18 U.S.C. § 1341, 371; (2) the district court improperly instructed the jury on the questions of (a) intent to defraud, (b) the relationship between New Jersey law governing waste disposal and the federal mail fraud statute, and (c) conspiracy between a corporation and its agents; (3) the district court abused its discretion (a) in supplying the jury with written copies of the instructions, (b) in giving inadequate guidance to the jury on the question of deadlock, and (c) in failing to re-instruct the jury to deliberate only with all members present when one juror was absent

for a brief period; (4) the district court improperly admitted testimony by Daniel Piowar; (5) the district court abused its discretion in denying appellant Conlon a severance; (6) the district court improperly denied motions for a new trial or a judgment of aquittal on the basis of Brady violations and/or newly discovered evidence; (7) the district court abused its discretion in assessing against appellants Albert and Jersey Sanitation Company the cost of daily copies of transcripts, it is

ORDERED and ADJUDGED that the judgments of the district court be and are hereby affirmed.

BY THE COURT

ATTEST:

S/
Circuit Judge

S/S.M.
Sally Mrvos, Clerk

DATED: JUNE 29, 1982